

Notice of Allowability

Application No.

10/526,388

Examiner

Andrew B. Freistein

Applicant(s)

MEUTERMANS ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed 3/28/2007.
2. ☒ The allowed claim(s) is/are 42-66 (now 1-25).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/2/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claims 1-66 are currently pending.

Priority

This application is a 371 of PCT/AU03/01146, filed 09/05/2003.

Acknowledgement is made of Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d), by Australia patent application 2002951247 filed on 09/06/2002.

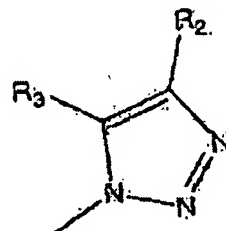
Information Disclosure Statement

Applicant's information disclosure statement (IDS), filed on 03/02/2005, has been considered. Please refer to Applicant's copies of the 1449 submitted herewith.

Restriction Requirement

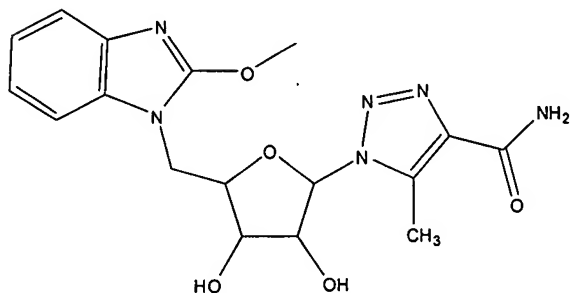
In a response filed 03/28/2007, Applicant elected a newly identified group of

compounds of claims 42-66 of formula (I), wherein n is 1; X is



; R₂ is a

carbonyl moiety. Further, Applicant elected the species:



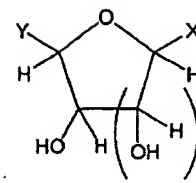
Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

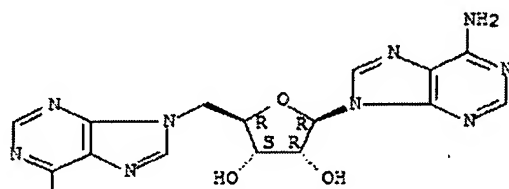
Authorization for this examiner's amendment was given during a telephone interview with Attorney Mary Wilson on June 8, 2007.

This application has been amended as follows:

1. Cancel claims 1-41.
2. In claim 42, after, "A compound of formula I" , delete, "which is a derivative of a furanose form of a monosaccharide of general formula I".
3. In claim 46, after, "The compound of claim 42, wherein the groups R1, R2, R3, R4 and R5 are" , delete, "optionally substituted, cyclic or acyclic, branched and/or linear" and insert
--cyclic, acyclic, branched, or linear--.
4. In claim 49, in line 10 of the claim, after, "thioaryl or thioheteroaryl" , delete
", which may optionally be further substituted," and insert a period ---.
5. In claims 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66, at the end of each claim, insert a period, ---.

Reasons For Allowance

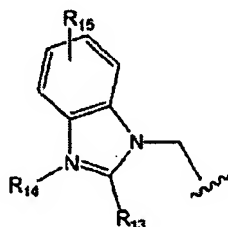
The instant invention is a compound of formula I, . The closest relevant art is: Kasnar, "Synthesis of 'Reversed' and 'Double Headed' Nucleosides," Nucleosides & Nucleotides, Vol. 14, Issue 3-5, pp. 341-344 (1995), which discloses the



species:

(see p. 343, compound 17). The instant

invention differs from the compound disclosed in Kasnar, because variable Y of formula



I of the instant application is

, which is a benzoimidazole rather than a

purine.

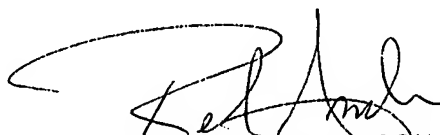
Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



REBECCA ANDERSON
PATENT EXAMINER

Andrew B. Freistein
Patent Examiner, AU 1626

for Joseph K. McKane
Supervisory Patent Examiner, AU 1626
Date: June 7, 2007